

Docket No. 1223-001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN P. GAHAN

Application No.: 09/600,320

Filed: July 16, 2000

For: ROTARY TWO STROKE ENGINE

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Group Art Unit: 3748

Examiner: Thai-Ba Trieu

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SEP 07 2003

REMARKS

TECHNOLOGY CENTER R3700

The Applicant has carefully reviewed the Office action dated March 31, 2004, and responds with the above amendments to the claims and the submission of new claims 50-52 for consideration. In addition, an Information Disclosure Statement listing each of the patents noted in the specification is submitted for consideration by the Examiner and a supplemental declaration under 37 CFR 1.67 is also provided.

With regard to the objection to the drawings under 37 CFR 1.83(a), please note that claim 48 has been deleted from the application. Thus, the objection is believed to be made moot.

With regard to the rejection of claim 31 under 35 U.S.C. §112, the amendment to the claim deleting the phrase "a linear" is believed to be sufficient to overcome the rejection. Moreover, it is believed to be quite clear from the specification and in particular the drawings that the piston member moves within the cylinder block in a linear motion. The specification teaches that the "pistons 31 and connecting rods 30 co-act to cause rotation of the cylinder block 2 and the crankshaft 20 via crankpins 21A and 21B." (Page 4, lines 9-11). Coupled with the drawings and in particular drawing Figure

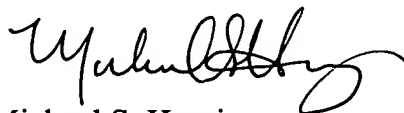
3, it is clear that the pistons 31 move linearly within the cylinder block despite the vague language in the summary portion of the specification noted by the Examiner.

With regard to the rejection of claims 31-33 under 35 U.S.C. §103, the rejection is believed to be made moot by the amendment of claim 31. With regard to the assertion that the Farris patent describes an automatically rotatable induction timing ring, however, reference numeral 164 in the Farris patent is described in column 10, line 58 as an intake seal ring which indeed rotates with the engine housing. Simple disc valves of this kind are indeed known in internal combustion engines. However, the rotation of the induction timing ring in claim 31 of the present invention relates to advancement or retardation of the alignment of the ports relative to a median position in response to changes in the rotational speed of the motor. The invention in the Farris patent can only have open ports at a single median position, whereas the present invention defined in claim 31 may automatically vary an advancement or retardation relative to a median position. (See page 8, lines 6-8 for further support). For these reasons, allowance of claim 31 and its dependent claims (32-33) is now in order and such action is earnestly solicited.

In light of the above amendments and remarks, Applicant contends that application as amended is in condition for allowance and respectfully submits the case for reconsideration. In the event that some unforeseen point still remains to be considered in order to obtain allowance of all of the claims, it is respectfully requested that Applicant's attorney be telephoned at the number below so that the final allowance can be expedited.

Respectfully submitted,

KING & SCHICKLI, PLLC

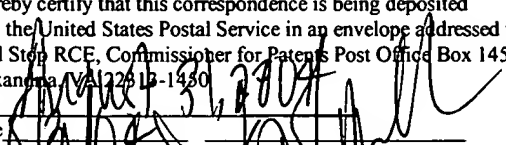


Michael S. Hargis
Registration No. 42,631

247 North Broadway
Lexington, Kentucky 40507-1058
(859) 252-0889

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